

# Town of Frederick Board of Trustees



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AM 2009-042

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## To Consider a Request for a Waiver from Section 2.18.6.c.(1) of the Land Use Code Regarding Architectural Standards in the Industrial Zoning District

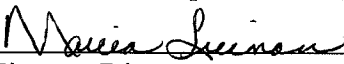
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**Agenda Date:** May 12, 2009

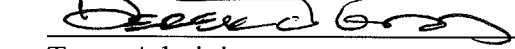
**Attachments:**

- a. Vicinity Map
- b. Applicant's Request
- c. Proposed Site Layout
- d. Architectural Diagrams
- e. Resolution

**Fiscal Note:** None noted or provided Fiscal note

  
Finance Director

**Submitted by:** Jennifer Simmons   
Planning Director

**Approved for Presentation:**   
Town Administrator

**AV Use Anticipated** Projector yes Laptop no

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**Certification of Board Approval:**

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

**Summary Statement:**

A request has been made for a waiver from Article 2, Section 18.6.c.(1) regarding architectural standards in the Industrial zoning district. The requirement establishes that metal shall not comprise more than twenty-five percent (25%) of the exterior building finish material on walls of industrial buildings.

### **Detail of Issue/Request:**

U.S. Engineering Company is anticipating moving their operations to a lot within the Town of Frederick. The company produces heating, ventilation, and plumbing systems for large scale projects such as hospitals or jails. These systems are wholly built on-site and then transported to the job site for installation. In order to prepare a site for the company, there are multiple applications currently pending with the Town Planning Department including a Comprehensive Plan Amendment, Zoning Amendment, and Subdivision Amendment.

The attached site plan, while not approved through the Town's process, shows the proposed layout of the twenty (20) acre site and the building locations. For reference (as shown on the attached vicinity map), the site is bordered on the south by Tipple Parkway/CR 16. The Godding Hollow is adjacent to the site's western boundary. Eagle Boulevard will eventually connect to the northern portion of Eagle Boulevard which currently serves as the primary access to Legacy Elementary, south of Godding Hollow Parkway/CR 18. Tipple Parkway/CR 16 west of Silver Birch Boulevard/CR 11 will have improvements made with the development of this site.

In looking ahead to the Site Plan process, the consultants for U.S. Engineering Company recognized the Town's newly adopted restriction on the amount of metal allowed as the exterior wall finish. Due to the nature of work conducted by the company, metal buildings are being suggested for the fabrication and warehouse buildings. The 2-story office building will most likely be constructed of masonry materials.

The overall site is comprised of three (3) distinct buildings: an office building, a warehouse, and a fabrication shop which includes a plumbing fabrication shop and a sheet metal fabrication shop. While not fully designed, the following numbers represent the general description of each building and may change as design progresses. The office building consists of 27,650 total square feet of non-metallic material. The warehouse consists of 14,758 total square feet, of which 11,840 are metal. The fabrication shop consists of 19,072 total square feet, of which 15,072 are metal. Therefore, on the overall site plan, there is a total of 61,480 square feet ( $=27,650+14,758+19,072$ ) of wall area of which less than 50% is metal ( $=(11,840+15,072)/61,480$ ). The expansion of the warehouse and fabrication buildings, as shown on the site plan, will follow the same concept of wall area as the main body of the buildings and maintain the overall percentage of metal as the rest of the building.

In considering the waiver, staff asked the applicant to look at the amount of exposed metal that will be visible from adjacent roadways and adjacent properties. The east elevation of the warehouse shown at the top of the attached diagram provides a visual image of the view from Eagle Boulevard, without accounting for landscaping that is required by the Land Use Code. There is approximately 3,600 square feet of warehouse wall facing Eagle Boulevard. Approximately 576 square feet of this total is made up of window area. Additionally, an earthen berm will provide relief of approximately 634 square feet for a calculation of ( $=3,600-576-634$ ) approximately 2,390 square feet of exposed metal on the warehouse. This amounts to a rate of 66% exposure on the warehouse alone. This will further be buffered by required landscaping adjacent to Eagle Boulevard.

Adjacent to Eagle Boulevard, the office building will provide 14,000 square feet of non-metal elevation. When considered with the warehouse information above, the amount of exposed metal is approximately 14% ( $=2,390/17,600$ ).

From the Tipple Parkway/CR 16 frontage, you will be able to see the south ends of both the warehouse and the fabrication shop as well as the office building. The warehouse will have 2,045 square feet of

metal exposed. The fabrication shop will have 4,586 square feet of façade facing Tipple with only 2,714 square feet of metal exposed after screening the loading dock. The office building will provide 9,800 square feet of non-metallic elevation. The amount of exposed metal without landscaping/screening is approximately 35% but is lowered to approximately 29% with the landscape/screening.

Section 4.7.8.c. items (1) through (3) address the review criteria for waivers. They are:

- (1) The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property.
- (2) The waiver, if granted, is the minimum variance that will afford relief and is the least modification possible of the subdivision ordinance provisions which are in question.
- (3) Such practical difficulties or unnecessary hardship has not been created by the applicant.

As can be seen on the attached vicinity map, this area has not yet developed. This project will provide the initial development and will set the bar in terms of architectural standards. It will not diminish the value, use, or enjoyment of adjacent property. The office building will have the most visibility and will provide a quality image.

While the waiver, if granted, does vary from the Land Use Code requirement, the applicant is committed to meeting the other requirements of the site, including buffering and screening of the property. The hardship is not self-created and the overall exposure of metal wall area to public right-of-way for the total site is just below 25%.

#### **Legal/Political Considerations:**

Based on the criteria for waiver approval under Sec. 4.7. paragraph 8.c. of the Land Use Code, a complete waiver from the standard of Sec. 2.18. paragraph 6.c. may not be as appropriate as a waiver with condition/modification of that requirement. In order to facilitate the proposed application without ignoring the Town's obligation to satisfy the intent of Sec. 2.18 (control the impact of the proposed construction on the use and enjoyment of adjacent properties), an adjustment of the 25% metal surface limitation in paragraph 6.c. (e.g., no more than 35% of the exterior building finish material) or an interpretation of the Section that it is meant to be applied/will be applied in this instance 1. only to those building surfaces that face public rights of way and/or adjoining properties, and 2. that are not otherwise mitigated by landscaping.

#### **Alternatives/Options:**

The Board of Trustees can grant the waiver as requested, grant it with modifications, or deny the request.

Additionally, the Board of Trustees may want to consider directing staff to amend the Land Use Code architectural standards in the Industrial zone to account for site design and overall percentage of metal allowed.

#### **Financial Considerations:**

Not Applicable.

**Staff Recommendation:**

Staff recommends approving this waiver request based on the overall site design, exposure of metal to public right-of-way, and commitment to buffering standards.